

Merchantville, NJ

May 10, 2010

A regular meeting of Borough Council was held at 7:30 PM, Monday, May 10, 2010. Mayor Frank M. North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Alloway, Brickley and Fields. Perno arrived late.
Clerk Brouse, CFO Moules and Attorney Higgins were present.

PUBLIC HEARING ON ORDINANCE 10-05 Establish CAP Bank

On a motion of Mr. Brickley and second of Mrs. Fields, Council adopted the following Ordinance.

**ORDINANCE 10-05
CALENDAR YEAR 2010
MODEL ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Merchantville in the County of Camden finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$119,697.13 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Merchantville, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Merchantville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$119,697.13, and that the CY 2010 municipal budget for the Borough of Merchantville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be file with said Director within 5 days after such adoption.

PUBLIC

Rudy Gehret, 215 Browning Road, traffic on Browning Road and speed. Need speed sign on street. Cost=\$8,000 or \$9,000. Can we borrow one? Mr. Alloway will see if we can use one of Pennsauken's signs.

Charlene Orzechowski, 41 W. Walnut Avenue, realtor to purchase 41 W. Walnut Avenue. Would like to take ownership of public right of way to have access to back of property. Vacation of right of way. Mr. Higgins and Mrs. Fields are working toward this approval.

Marvin Gaskill, 102 E. Chestnut Avenue, Property rental cost, rents are going down in various towns and we have many property units that are rented in town. Taxes are up generally. Property owners are taking a hit. Recommend a flat budget with no increase.

Kevin Barnett, 121 Browning Road, Mr. Perno made a comment that Council would form a committee that would propose reconsidering a merge of towns. Committee should be considered the same as the school is working on.

Marge Disch, 23 E Chestnut Avenue, time for car show street closing is too early.

Pagano, 166 Prospect Street, update on 174 Prospect? Maintenance, EMS location. Option #5 was still best option.

ENGINEER'S REPORT: On file

APPROVAL OF MINUTES: On a motion of Mrs. Fields and second of Mr. Alloway, Council approved the regular meeting minutes for 1/25/10 and 4/12/10.

CORRESPONDENCE: none

COUNCIL REPORTS:

Mrs. Fields-Personal manual is completed. Playground equipment is in. Will try to get toddler equipment for two swings. Planning Board- 1 application and discussion, 606 & West Maple area. 6 properties on the abandoned properties list. NPP has no change. \$25,000 County Grant.

Mr. Brickley- Equipment issues in Public Works, trash truck down for 2 weeks, delays in removal. Working on preventative maintenance. Yard waste is being removed. Looking into supervisor position.

Mr. Alloway-Police had 279 calls for service, 239 traffic stops, 45 arrests. Approval for Click it or Ticket. Child ID was completed for first graders. Thanks to all departments for help with Greenliegh Court fire last week.

Mr. Perno-no report

CLERK'S REPORT:

The Farmer's Market will begin on May 21 and continue each Friday.

Clean up day successful, thanks for a great turn out.

Birthday celebration is June 5 at the Community Center.

Arbor Day celebration on April 30.

Memorial Day Celebration at Wellwood Park on May 31st @ 10:00AM

BUSINESS:

NEW BUSINESS:

ORDINANCE INTRODUCTION-On a motion of Mr. Brickley and second of Mr. Perno council approved the introduction of the following Ordinance:

BOROUGH OF MERCHANTVILLE, NEW JERSEY

ORDINANCE 10-07

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF EQUIPMENT AND COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$401,500 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF MERCHANTVILLE

COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$191,425; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Borough Council of the Borough of Merchantville, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Merchantville, County of Camden, New Jersey ("Borough").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$401,500;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$191,425; and
- (c) a down payment in the amount of \$10,075 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$191,425, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$10,075, which amount represents the required down payment, and the sum of \$200,000, which amount represents grants from the New Jersey Department of Transportation, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Borough in an amount not to exceed \$191,425 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$191,425 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$80,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the amount of available grants for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	Purpose/Improvement	Estimated Total Cost	Down Payment	Grant / Aid	Amount of Obligations	Period of Usefulness
A.	Reconstruction of and Improvements to Locust Street, all as more particularly described in the Capital Improvement Plan on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$235,000	\$1,750	\$200,000	\$33,250	10 years
B.	Improvements to Municipal Buildings and Grounds including, but not limited to, the replacement of the Fire Department Ramp and Improvements to the Community Center, all as more particularly described in the records on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	80,000	4,000	0	76,000	15 years
C.	Acquisition of Various Equipment for the Police Department including, but not limited to, a four wheel drive vehicle, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	26,000	1,300	0	24,700	5 years

	Purpose/Improvement	Estimated Total Cost	Down Payment	Grant / Aid	Amount of Obligations	Period of Usefulness
D	Acquisition of Various Equipment for the Public Works Department including, but not limited to, landscaping and snow removal equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	15,000	750	0	14,250	15 years
E.	Acquisition of Various Equipment for the Fire Department including, but not limited to, Turn-out Gear and Breathing Apparatus, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	38,000	1,900	0	36,100	5 years
F.	Acquisition of Computer Equipment for Construction, Planning and Property Maintenance, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	7,500	375	0	7,125	5 years
	TOTAL	\$401,500	\$10,075	\$200,000	\$191,425	

Section 8. The average period of useful life of the several purposes for the financing of which this bond ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purpose, is not less than 10.58 years.

Section 9. Grants in addition to those identified in Section 7 above or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$191,425 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Borough shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Borough hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Borough hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Borough may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication after final passage.

RESOLUTION 10-58 SCHOOL BUDGET RECOMMENDATION 2010-2011:

We did not have the vote for the resolution to pass the school budget; therefore the meeting was adjourned to May 17th for this portion.

Resolutions to be read and approved by consent agenda: On a motion of Mr. Alloway and second of Mr. Brickley, Council approved the following resolutions to be read and approved by consent agenda:

R 10-55

RESOLUTION AUTHORIZING ADVANCE PAYMENT TO PATRICIA FIELDS FOR THE 2010 PARKS AND RECREATION PROGRAM

WHEREAS, N.J.S.A. 40A:5-16.1 permits the governing body of any local unit to authorize payment in advance toward expenses for authorized expenditures for Borough programs; and

WHEREAS, Patricia Fields of the Borough of Merchantville will need funds to purchase supplies for the Parks and Recreation Program scheduled from June 28, 2010 through July 30, 2010; and

WHEREAS, the Treasurer has certified that funds are available from the 2010 Recreation Commission budget, Recreation Commission Parks and Playgrounds, not to exceed \$500.00 to provide advance expense payments; and

WHEREAS, the Borough will verify their expenses and any excess cash will be repaid to the Borough along with a detailed bill of items or demand, and the certification or affidavit required by N.J.S.A. 40A:5-16 shall be submitted within 10 days after the completion of the Parks and Recreation Program for which the advance was made.

NOW, THEREFORE, BE IT RESOLVED that the treasurer is hereby instructed to make the above said payment to Patricia Field for Parks and Recreation Program expenses.

R10-57

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE BOROUGH OF MERCHANTVILLE, TO HIRE A SUMMER PARKS AND PLAYGROUNDS PROGRAM ADMINISTRATOR

WHEREAS, the Borough Council of the Borough of Merchantville, offers a Summer Parks and Playgrounds Program for the children of Merchantville and;

WHEREAS, the Borough would like to hire an administrator to oversee the Parks and Playgrounds Program;

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Merchantville authorizes Patricia Fields for the summer Parks and Playgrounds Program.

RESOLUTION 10-56 Authorize Contract for Alcohol and Drug Alliance Program: On a motion of Mr. Brickley and second of Mr. Perno, Council approved the following resolution:

R10-56

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING CONTRACT FOR ALCOHOL AND DRUG ALLIANCE

WHEREAS, the Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Camden;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Merchantville, County of Camden, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Merchantville Municipal Alliance grant for calendar year 2010 in the amount of \$8,713.00.

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

PROCLAMATION Arbor Day

DISCUSSION-Volleyball Club at Community Center Court

APPROVAL: On a motion of Mr. Alloway and second of Mrs. Fields, Council approved the street closing for Car Show.

APPROVAL: On a motion of Mr. Alloway and second of Mr. Brickley, Council approve George W. Probasco as Fire Fighter.

APPROVAL: On a motion of Mr. Brickley and second of Mrs. Fields, Council approved a Deaf Child Sign.

APPROVAL: Council approved the use of the Facility for Farmers Market.

PAYMENT OF BILLS:

On the motion of Mrs. Fields and second of Mr. Perno, Council approved the following bills for payment:

**R10-59
RESOLUTION**

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bills approved therein.

Borough of Merchantville	Bill List Summary	May 10, 2010 Revenue fund
Current Fund		
Checks Current Fund	2010 Budget	\$631,510.75
	Payroll	\$638,423.89
	State / Federal Grants	\$13,756.76
	Debt Service	
	Board of Education	\$1,000,984.85
	Revenue Current	\$1,575.52
	Checks Delivered	\$278,643.98
	Total Current	\$1,575.52 \$2,563,329.23
Sewer Utility Fund	2010 Budget	\$9,281.63
	Payroll	\$21,624.71
	Debt Service	
	Checks Delivered	\$325.00
	Total Sewer	\$31,231.34
Recreation Commission	2010 Budget	\$6,506.00
	Payroll	\$3,598.99
	Revenue Rec	
	Checks Delivered	
	Total Recreation	\$10,104.99
General Capital Fund	2010 Budget	\$2,515.27
Sewer Capital Fund	2010 Budget	\$32.93
	Payroll	
	Checks Delivered	
	Total Capital	\$2,548.20
Trust-Other Fund	2010 Budget	\$587.50

	Payroll		\$2,484.30
	Checks Delivered		
	Total Trust		\$3,071.80
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Animal Trust	2010 Budget		\$18.60
	2010 Budget		\$412.72
	Checks Delivered		
		Total	431.32
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Total Bill list	Revenue \$ 1,575.52	Budget	\$2,610,716.88
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ADJOURNMENT:

On the motion of Mr. Brickley and second of Mr. Alloway the meeting was adjourned at 8:28 PM.

DENISE BROUSE
BOROUGH CLERK